

1 Larry E. Cook (State Bar No. 122776)
2 CASPER, MEADOWS, SCHWARTZ & COOK
A Professional Corporation
3 California Plaza
2121 North California Blvd., Suite 1020
Walnut Creek, California 94596
4 Telephone: (925) 947-1147
Facsimile: (925) 947-1131

5
6 Attorneys for Plaintiffs
KALYANI SPIECKERMAN, a minor
TANUJA KARUNAKAR
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 KALYANI SPIECKERMAN, a minor, by and
through her Guardian Ad Litem, DAMIAN
12 SPIECKERMAN; and TANUJA KARUNAKAR

13 Plaintiff,

14 vs.

15 MACLAREN USA INC., TOYS "R" US-
DELEWARE, INC.; BABIES "R" US and DOES
16 1 to 50,

17 Defendants.

Case No. C11-05695 DMR

[REDACTED] ORDER GRANTING
PETITION FOR COURT APPROVAL OF
MINOR'S COMPROMISE

18
19 The Petition for Court Approval of Minor's Claim came before the Honorable Donna M.
20 Ryu, presiding.

21 GOOD CAUSE APPEARING, THE COURT FINDS:

22 1. Petitioner, DAMIAN SPIECKERMAN, is the father and regularly appointed
Guardian ad Litem of Plaintiff, K.S..

24 2. Plaintiff K.S. is a three year old girl, born **/**/2008.

25 3. Plaintiff K.S. has a claim for damages arising out of personal injuries sustained
on October 5, 2009, when her finger was amputated in the folding mechanism of a stroller.

27 4. The law firm of Casper, Meadows, Schwartz & Cook have represented Plaintiff
in this matter and are entitled to attorneys' fees and hereinafter set forth. Plaintiffs' attorneys

1 were not recommended to Petitioner by Defendants and Petitioner has no business
2 relationship with Defendants and will receive no other compensation for their services except
3 as described in this Petition.

4 5. Plaintiff has represented the defendant has offered to pay plaintiff \$115,000.00
5 in consideration of a dismissal with prejudice and a full release in this matter. Plaintiff has
6 further represented that the settlement funds will be allocated as follows:

7 \$100,000.00 to Plaintiff K.S., a minor

8 \$15,000.00 to Plaintiff TANUJA KARUNAKAR

9 6. Plaintiff has represented that \$69,594.74 of the settlement funds will be used to
10 purchases an annuity for the minor plaintiff (Exhibit 6 to the Declaration of Larry E. Cook). As
11 Exhibit 6 states, the minor plaintiff will receive payments from the annuity as follows:

12 Damian Spieckerman, individually, and as parent and natural
13 guardian of K.S., a minor, believes that entering into a structured
14 settlement with First Specialty Insurance Corporation, the liability
15 carrier for Maclaren USA for all claims he may have on behalf of
16 K.S., is in K.S.'s, best interest. \$69,594.00 of the overall
17 settlement of this matter shall be used to fund an annuity for the
18 benefit of K.S. Said annuity shall provide the following "periodic
19 payments":

20 (1) To K.S. ("Payee"), the sum of Ten Thousand Dollars (\$10,000.00),
21 paid semi-annually, guaranteed for 10 payments, starting on
22 07/04/2026 and ending on 01/04/2031.

23 (2) To K.S. ("Payee"), the sum of Thirty Thousand Six Hundred Forty
24 Five Dollars and Fifty Three Cents (\$30,645.53), guaranteed, paid
25 on 07/04/2038.

26
27 Said \$69,594.00 payment shall be made payable to Liberty Life
28 Assurance Company of Boston. Liberty Life Assurance Company

1 of Boston shall fund the "periodic payments" by purchasing a
2 "qualified funding asset" within meaning of Section 130(d) of the
3 Internal Revenue Code of 1986 in the form of an annuity contract.
4 The parties to this settlement shall cooperate fully and execute
5 any and all supplementary documents, including a qualified
6 assignment document, and to take all additional actions which
7 may be necessary or appropriate to give full force and effect to
8 the basic terms and intent of this settlement. Liberty Life
9 Assurance Company of Boston's ratings are as follows: A.M. Best
10 – A (Excellent), Class X.

11
12 7. Petitioner has requested that the attorney's fees in the amount \$24,707.41 be
13 paid to plaintiff's attorneys of record in the above-entitled matter regarding K.S., a minor, and
14 \$3,457.41 regarding plaintiff Tanuja Karunakar.

15 8. In addition, Petitioner is requesting reimbursement to Casper, Meadows,
16 Schwartz & Cook for costs incurred. To date, they are \$1,170.35 and will be paid from the
17 proceeds of this plaintiff K.S.'s settlement and \$1,170.36 will be paid from the proceeds of
18 plaintiff Tanuja Karunakar.

19 9. Petitioner recommends this settlement to the Court as being fair and
20 reasonable, and in the best interest of the minor. Petitioner understands that if the proposed
21 settlement is approved, Plaintiff will be barred from seeking further compensation in the future.

22 IT IS THEREFORE ORDERED, AJUDGED AND DECREED THAT:

23 1. The settlement on behalf K.S., a minor, is hereby approved.
24 2. Having considered the declaration of Larry E. Cook in support of reasonable
25 attorney fees and incorporating said declaration herein by reference, Court finds said attorney
26 fees and costs are reasonable pursuant to California Rules of Court, Rule 7.955 and the same
27 are so ordered.

28 3. Defendant is hereby authorized and directed to pay the law firm of Casper,

1 Meadows, Schwartz & Cook attorneys' fees in the amount of \$24,707.41 regarding plaintiff
2 K.S. and \$3,457.41 regarding plaintiff Tanuja Karunakar. In addition, Defendant will issue a
3 check for the costs incurred in the amount of \$2,340.71 made payable to Casper, Meadows,
4 Schwartz & Cook.

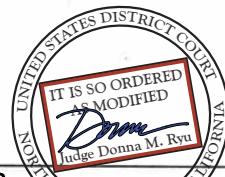
5 4. Defendant is hereby authorized and directed to issue a check to Tanuja
6 Karunakar in the amount of \$10,372.23 representing her proceeds.

7 5. Defendant is hereby authorized and directed to issue check payable to
8 Healthcare Recoveries in the amount of \$4,527.50 representing payment of plaintiff K.S.'s
9 medical lien to Kaiser.

10 6. Defendants are hereby authorized and directed to pay through 360 Structured
11 Settlement Solutions in the amount of \$69,594.74 or purchase the annuity.

12
13 Dated: June 7, 2012

14
15
The Honorable Donna M. Ryu
UNITED STATES DISTRICT COURT JUDGE
Northern District of California



16 7. It is further ORDERED that a certified or filed endorsed copy of
17 this order be delivered to a manager at Liberty Life Assurance
18 Company of Boston and that a receipt from the institution be promptly
Submitted by: filed with the Court, acknowledging receipt of both the
funds deposited and the order for deposit of funds.
19 CASPER, MEADOWS, SCHWARTZ & COOK

20
21 By: 
22 LARRY E. COOK
23
24
25
26
27
28